

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 07-1721(DSD/JJG)

Talib Sawad and  
Shahlaa Ali,

Plaintiffs,

v.

**ORDER**

Denise Frazier, District  
Director U.S. Citizenship and  
Immigration Services, Bloomington,  
MN, Emilio Gonzalez, Director  
U.S. Citizenship and Immigration  
Services, Washington, D.C.,  
Robert Mueller, Director Federal  
Bureau of Investigation,  
Washington, D.C.,

Defendants.

Marc Prokosch, Esq., Karam & Associates, 2950 Metro  
Drive, Suite 210, Bloomington, MN 55425, counsel for  
plaintiffs.

Robyn A. Millenacker, Assistant U.S. Attorney, 300 South  
Fourth Street, Suite 600, Minneapolis, MN 55415, counsel  
for defendants.

This matter is before the court on defendants' motion for summary judgment. Plaintiffs Talib Al Sawad ("Talib") and Shahlaa Ali ("Shahlaa") are Iraqi citizens who were admitted to the United States as refugees. Shahlaa filed an I-485 application for adjustment of status to lawful permanent residency on March 1, 2004, and Talib filed his application on December 27, 2004. On March 30, 2007, plaintiffs brought this action asking the court to order completion of their background checks and adjudication of

their applications. (Compl. ¶ 21.) On October 9, 2007, the court denied defendants' motion to dismiss and ordered defendants to produce evidence and provide briefing on the issue of whether the delay in processing plaintiffs' applications was reasonable. Defendants provided the requested evidence on December 17, 2007, and the parties completed briefing on February 26, 2008.

Defendants argue that Talib's claim is moot because the United States Citizenship and Immigration Services ("USCIS") denied his application on January 23, 2008. Talib has since filed a motion with the USCIS to reopen and reconsider its decision and argues that the case is not moot until the USCIS reaches a decision on that motion. Talib, however, cites no legal authority to support this proposition, and the court's own research yielded no such authority. Rather, the court determines that despite Talib's outstanding motion, the USCIS has adjudicated his application, and his claim is moot because he has received the requested relief. See Hayden v. Pelofsky, 212 F.3d 466, 469 (8th Cir. 2000) ("When, during the course of litigation ... a federal court can no longer grant effective relief, the case is considered moot." (citation omitted)). Moreover, after briefing by the parties, defendants' counsel informed the court by letter dated February 27, 2008, that Shahlaa's application had been approved. Therefore, she too has received the requested relief, and her claim is moot.

Accordingly, **IT IS HEREBY ORDERED** that defendants' motion for summary judgment [Doc. No. 25] is granted and this action is dismissed as moot.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: April 23, 2008

s/David S. Doty  
David S. Doty, Judge  
United States District Court